

The legislation before us includes some programs like the Community Development Block Grant Programs which are funded significantly higher than the President's request. While I support this program, I do not think this emergency spending bill is the appropriate place to increase overall funding for CDBG. I do not see the need to spend an extra billion dollars and expand CDBG's scope beyond States affected by Katrina.

The legislation further limits the CDBG money by requiring States to spend nearly 20 percent on affordable rental housing. I believe it is a mistake to take community planning decisions out of the hands of local and State officials.

And there are other examples of States not affected by the hurricanes trying to obtain emergency funding. Everyone who has had some form of natural disaster in their State is trying to get a piece of the pie. I do not want to diminish the tragedy of any disaster, but the Federal budget process includes funding for these isolated events which were never intended to be funded with emergency spending.

For example, there were a series of bad storms in California in 2002 that flooded Los Angeles roadways and flooded buildings with hail. The legislation before us would provide \$51 million for transportation repairs—repairs that the State of California has already paid for. That is right, this emergency bill contains money to repay States for natural disasters that occurred years ago. This is unacceptable.

I have long supported congressionally directed projects and am prepared to defend my projects in the fiscal year 2007 appropriations bills. As a member of the Budget Committee, I can tell you firsthand how important it is to set targets and plan ahead. That is how we maintain accountability.

We need to remember that every dollar we spend in this supplemental came from some hard-working American taxpayers. The American people deserve a Government that is careful with their money. That is why I will vote against this legislation.

I have also told the President I will support his veto of this legislation if it passes Congress above his \$92-plus billion request. I believe we need to cut spending and work out a responsible plan that meets the needs of the war on terror and rebuilding in the gulf coast region.

I urge my colleagues to curb spending in this emergency spending bill. I ask for them to consider their vote and what will happen if we pass this legislation. I urge those who are on the fence or on the border or about not to vote for this bill, not to vote for it but if they do, to support the President's veto when it comes.

Thank you, Mr. President. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAHAM). Without objection, it is so ordered.

AMENDMENT NO. 3688

Mr. KENNEDY. Mr. President, the Senator from Washington was kind enough on a previous occasion to offer amendment No. 3688. I call for the regular order.

The PRESIDING OFFICER. Without objection, the amendment is now pending.

Mr. KENNEDY. I thank the Chair.

For any of my colleagues who had the chance last evening to look at the national news, the story that led virtually all of the national networks was the concern that our public health officials and worldwide public health officials have, with regard to the dangers of an avian flu pandemic. We listened to the Secretary of HHS talk about the numbers of Americans who would be affected, some 2 million people. With a pandemic, we would face the potential of closing down airlines, closing airports, dangers in the workplace, health dangers.

This is something the Subcommittee on Bioterrorism and Public Health Preparedness has been very concerned about, and I pay special commendation to the chairman of our committee, Senator BURR, who has had a series of hearings not only on the dangers of avian flu and flu generally but also on the dangers of bioterrorism.

There are some very important common threats that come from bioterrorism and from an avian flu danger. Obviously the first thing that a nation has to do is to be able to detect these pathogens in countries where they may be developing, and then, secondly, to detect them here at home. That is why development and support for a public health system is so important.

Then there is the challenge of containment, to try to contain any of the dangers. And then, obviously, there is the treatment for individuals who are affected. That can be treating individuals who are affected or trying to provide a vaccine for individuals, so the dangers to those individuals are minimized. These challenges all fall under the rubric of the development of a national plan. I will come back to that in a moment. We in the United States have not had that kind of effective plan developed that would be necessary to deal with the central challenge of a public health emergency.

This amendment I offer is a simple but vital amendment. It is a linchpin in any kind of battle against the dangers of avian flu. That is, if we are expecting our drug industry to be able to develop the vaccines—and we have given a good deal of flexibility to the Food and Drug Administration in these kinds of emergencies, to provide approval to vaccines that might not have

been and probably would not have been given the kind of safety evaluations that other prescriptions drugs would have taken through—we have to ask: Who is going to receive these vaccines or treatments? Primarily, they will be individuals whom we call first responders. What are they going to do? They are going to go into the infected area and try to contain it.

It is one thing to invest hundreds of millions and billions of dollars in developing the vaccines and treatments to minimize the health impact of the dangers of avian flu, but if we are going to ask first responders to go in and risk their lives, their health, and the economic stability and security of their families, we ought to be willing to say to these individuals: If you are going to get sick, and you are going to lose your job, or if there is going to be danger to your health as you serve as the front-line defenders for the rest of society, then we are going to compensate you for the loss of income you are going to have as a result of taking this vaccine. That is what this amendment does. It provides for a compensation program for first responders, the people on the front lines of a pandemic.

One can say: Is this necessary? All we have to do is look at history, and we will find that when you do not have a compensation program, you do not have volunteers willing to serve as first responders, and willing to take on these challenges. This amendment protects our first responders, and so it protects the rest of society as well. It is a very limited amendment. That is the reason it is so important. You can ask: Is this really an emergency? No one can look at the news last night, and see the lead story on all three networks, saying there is a real danger that is coming at you, and say we ought to treat this as business as usual. That is why I believe this amendment is appropriate to this supplemental.

The administration seems to be suffering from a condition that could be called "CDD," competence deficit disorder. Whether in Iraq or Katrina or any other major crisis, the administration has been incompetent, including the issue of dealing with avian flu. Our HELP Committee has analyzed the administration's regular failure to prepare for a flu pandemic, and today we are releasing a report showing that they have failed to take the steps needed to see that America is ready for this national challenge. They have failed to invest in the hospital surge capacity, in needed information technology, and in the public health surveillance and training programs that are needed for an effective response.

The endless challenges outlined in the pandemic flu plan are a symbol of the administration's failure. The preparations for avian flu have been in such prolonged disarray that they are releasing their third new plan this week. The Bush administration has known of the need for a plan to prepare for a flu